

# APPENDIX I

## CULTURAL RESOURCES PROCESS

### CULTURAL RESOURCE SIGNIFICANCE GUIDELINE

**Significance/Significant:** The term significant is commonly used interchangeably with "eligible for National Register of Historic Places inclusion". Significance is determined by BLM in consultation with the Wyoming State Historic Preservation Office (SHPO). Significance criteria are established at 36CFR60.4 and include (a) sites associated with significant events; (b) sites associated with important persons; (c) properties of a distinctive architectural style, works of a master, and high artistic values and (d) sites that possess information important in prehistory or history. Historic period sites are frequently eligible for National Register inclusion (are judged "significant") under criteria a, b or c while prehistoric sites are usually eligible under criterion d. Significant sites, i.e. National Register eligible historic properties, require some form of mitigation if adversely affected by a project.

With reference to prehistoric sites, the question "what constitutes significant?" directly relates to a site's ability to provide "information important in Prehistory". The importance of, or information contained in a given site is judged according to what is known about other, similar sites in the immediate and surrounding areas. Thus, a key to establishing "significance" is the state of prehistoric knowledge in a given study area. The more advanced knowledge is of the prehistory in a given area, the more refined our idea of "significant" becomes in that area. Conversely, if an area is poorly known archaeologically, more sites are judged as significant because the database is lacking in depth. In other words, lacking good information, more sites can add to a meager information base.

In the CAP area, only one site (48SU867, the Harrower site) has been subject to mitigative block excavations. Archaeologists know a lot about the Harrower site, but not about the myriad of other sites in the CAP. This situation is obtained because past policy and procedure has stressed avoidance of prehistoric sites to save the expense of conducting mitigative excavations. Subsurface investigations have been limited to minimal evaluative testing for purposes of establishing National Register eligibility, so no in depth knowledge is produced. Until a number of disparate site types spanning different time periods are excavated, analyzed and interpreted,

the "significance" (or lack thereof) of many sites will be difficult to refine.

### Policy Statement

When a proposed discretionary land use has potential for affecting the characteristics which qualify a cultural property for the National Register of Historic Places, procedures specified in 36 CFR 800 will be used, in consultation with the Wyoming State Historic Preservation Officer (SHPO) and, if necessary, the Advisory Council on Historic Preservation (ACHP). In most cases, an on-the-ground Class III survey will need to be conducted in order to determine if any National Register quality cultural properties exist in the area of potential effect.

### Guidance

Avoidance is the preferred strategy for eliminating potential adverse effects to cultural properties. If avoidance involves project relocation, the new project area may also require cultural resource inventory. If avoidance is imprudent or unfeasible, appropriate mitigation may include excavation (data recovery), stabilization, monitoring, installation of protective barriers or signs, or other physical and administrative measures.

Reports documenting results of cultural resource inventory and evaluations, and establishing mitigation alternatives (if necessary) shall be written according to standards contained in BLM Manuals, the cultural resource permit stipulations, and in other policy issued by the BLM. These reports must provide sufficient information for Section 106 consultation. Reports shall be reviewed for adequacy by the BLM archaeologist. If cultural properties on, or eligible for, the National Register are within the area of potential effect and cannot be avoided, the Authorized Officer (AO) shall begin the Section 106 consultation process in accordance with the procedures in 36 CFR 800.

Mitigation, if required, shall be implemented according to a mitigation plan approved by the AO. Such plans are usually prepared by the applicant's contract archaeologist according to BLM specifications. Mitigation plans will be reviewed as part of Section 106 consultation for National Register eligible or listed properties. The extent and nature of recommended mitigation shall be commensurate with the significance of the cultural

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resource and the anticipated extent of damage. Costs for mitigation of sites that cannot be avoided will be borne by the applicant.

If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. The operator will be responsible for all mitigation costs if he chooses not to relocate the project. The AO will provide technical and procedural guidelines for the conduct of the mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.

Mitigation must be cost effective and realistic. It must consider project requirements and limitations, cultural resources impacted, input from concerned parties, and be approved or formulated by BLM.

Mitigation of paleontological and natural history sites will be treated on a case-by-case basis. Factors such as site significance, economics, safety, and project urgency must be taken into account when making a decision to mitigate. Authority to protect (through mitigation) such values is provided for in FLPMA, Section 102(8).

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### Introduction

A preliminary step in the cultural resource process is to determine if the proposed activity constitutes an "undertaking". Undertakings are federal permits, licenses, projects or authorizations which, when implemented, could result in changes or effects to National Register eligible cultural resources. Most surface disturbing activity constitutes an undertaking that requires a cultural resources survey. If the proposed activity is judged not to be an "undertaking", cultural resource clearance is granted by BLM and the following process is not initiated.

The following narrative and the attached flow chart details the Cultural Resources Process.

1. The BLM may require a cultural survey of a proposed project area. The survey is conducted by either BLM personnel or a contracting archaeologist permitted by BLM. A report is produced and re-

viewed by BLM and SHPO. The BLM uses the report to determine if additional cultural resource efforts are needed.

2. The BLM or contract archaeologist plans the survey, conducts background research of the project area (literature search/Class I inventory), reviews regional overviews and other documents for pertinent information. Before beginning fieldwork, the specialist conducts a files search at the SHPO Records office, and if necessary at the local BLM office.
  - 2A. If the files search reveals that the project area has been adequately inventoried, or if the project area has no site potential, an on-the-ground survey (Class III inventory) may not be necessary. The responsibility for determining the need for a Class III inventory rests with the BLM specialist, in consultation with the SHPO.
  - 2B. The results of the literature search are documented in a report that contains complete bibliographic references of previous surveys and summaries of previous sites located.
3. The BLM or contract archaeologist conducts the Class III inventory of the project area. Inventory methods, procedures, aerial extent and results are documented. Inventory techniques and requirements have been standardized by BLM, and exist as written policy and as stipulations attached to the contract archaeologist's cultural resource permit.
  - 3A. If no sites are discovered during the Class III inventory, and the probability of the project area to contain buried sites lacking surface manifestation is judged low, the negative results of the survey are documented in the Class III report. Cultural resource clearance is obtained and the project proceeds, subject to other resource considerations.
  - 3B. If sites are discovered during the survey, or if previously recorded sites are located in the project area, Steps 4 through 9 are followed.
4. Each site is recorded on an Intermountain Antiquities Computer System (IMACS) site form.
5. Each site in the area of effect is evaluated for National Register eligibility. Limited evaluative testing should be conducted as necessary. Sites that are recorded during the survey, but not in the area of potential effect may be listed as unevaluated for National Register eligibility.

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- 6 & 6A. If a site is not eligible for National Register inclusion, no further work is usually required. If the site contains information important enough to warrant further work, the site should be evaluated as eligible (see step 7). The recommendations of noneligibility and no further work are justified in the Class III report.
- 7 & 7A. If a site is recommended as eligible for National Register inclusion, the reasons for eligibility must be documented, with particular reference to the Criteria of Eligibility (36 CFR 60.4). If the site is eligible for its information content (36 CFR 60.4.d), the report should present this information in terms of pertinent research questions which further site investigations could address.
8. The effect of the project on each eligible site is evaluated and documented. "Effect" is determined by applying the criteria at 36 CFR 800.5.
- 8A1&A2. If there will be no effect, no further work at the site will be needed. This is documented in the Class III report (see Step 9).
- 8B1. If the proposed impacts to the site will result in adverse effects, or if proposed mitigative efforts are such that no adverse effect will occur, this is documented in the Class III report (See step 9).
- 8B2. Recommendations to mitigate adverse effects should be directed at reducing or eliminating impacts to those qualities which make the site eligible for the National Register. Avoidance or in-situ preservation are the preferred options. Data recovery is appropriate if avoidance proves not feasible or is not cost effective.
9. A report is prepared documenting the results of project investigations with copies submitted to BLM and the SHPO.
10. The BLM, in consultation with SHPO and the Advisory Council on Historic Preservation (if necessary) use the information contained in the report to carry the "Section 106" process to completion.
11. Once the Section 106 compliance process is completed, the proposed land use may be permitted with appropriate resource stipulations.



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